

Appl. No.: 10/599,074

Amdt. Dated: 3/27/08

Reply to Office Action Mailed: 12/27/07

REMARKS AND/OR ARGUMENTS

Claims 1-10 were pending in this application. Claims 6 and 9 are now cancelled without prejudice or disclaimer, and each of claims 1-5, 7, 8, and 10 is now amended. Additionally, new dependent claims 11-14 are added, and are directed to subject matter formerly recited in dependent claims 2, 4, and 5. No new matter is added by these claim amendments.

The following remarks, made pursuant to a thorough review of the Office Action and the references cited therein, are believed to be fully responsive. Reconsideration in view of the amendments above and the remarks below is respectfully requested.

Allowable Subject Matter

The Examiner's indication that claim 10 contains allowable subject matter is noted with appreciation.

Claim Objections

Each of the claim objections on page 2 of the Office Action should be withdrawn for at least the following reasons:

- (a) Claim 9 has been cancelled without prejudice or disclaimer.
- (b) The clauses beginning with "in particular" have been deleted from each of claims 2, 4, and 5. The subject matter of these clauses has been incorporated into new claims 11, 12, 13, and 14, respectively.

Accordingly, withdrawal of the objections to claims 2, 4, 5, and 9 is respectfully requested.

35 U.S.C. §102(b) Claim Rejections

The rejection of claims 1-3, 5, and 7-9 under 35 U.S.C. §102(b) as allegedly being anticipated by WO 03/077277 A1 to Harding, et al. ("Harding") is moot in view of the amendments to independent claim 1, and the cancellation of claims 5, 6, and 9 without prejudice or disclaimer. As suggested by the Examiner, Applicant's representative reviewed USPN 6,961,408 B1 to Harding, et al., which is an English language translation of WO 03/077277 A1.

Independent claim 1 has been amended to include subject matter from cancelled dependent claim 6, and now recites:

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An electron window for a liquid-metal anode, the electron window comprising:
a membrane, which has ridges and depressions, wherein the membrane has an embossed structure and a thickness in a range of about 11 μm to about 50 μm , and wherein both the ridges and the depressions are part-surfaces which are connected to each other via connection flanks, wherein the depressions and/or the ridges are one of
(a) from about 10 μm to about 95 μm high and
(b) from about 105 μm to about 250 μm high.

At Col. 12, lines 1-4, (the passage cited by the Examiner) Harding discloses only that "corrugations 81 each have a height h of approximately 100 μm and a width w of approximately 100 μm , and between the corrugations 81 a pitch P of approximately 1 mm is present." These measurements do not fall within either of the ranges (a) or (b) recited in claim 1.

As the Examiner admits on page 5 of the Office Action, "Harding does not disclose the membrane thickness." Consequently, Harding cannot anticipate claim 1's recitation of "wherein the membrane has ... a thickness in a range of about 11 μm to about 50 μm ." Thus, amended independent claim 1 is not anticipated by Harding. Claims 2-3 and 7-8 are allowable by virtue of their dependencies on amended independent claim 1.

Therefore, Applicant respectfully requests that the rejection under 35 U.S.C. §102(b) be withdrawn.

35 U.S.C. §103(a) Rejections

The rejection of dependent claims 4 and 6 under 35 U.S.C. §103(a) as allegedly being obvious over WO 03/077277 A1 to Harding, et al. ("Harding") in view of EP 0 676 772 A1 to Chalker, et al. is moot in view of the amendments to independent claim 1, and the cancellation of claim 6 without prejudice or disclaimer.

Chalker was cited only to cure Harding's non-disclosure of membrane thickness. Col. 1, lines 4-6 of Chalker (the passage cited by the Examiner) recites, in pertinent part:

X-ray windows as their name implies are thin, that is to say less than 10 μm , more specifically less than 1 μm ... (emphasis added)

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This directly teaches away from the subject matter of amended independent claim 1, which now recites, inter alia: "wherein the membrane has ... a thickness in a range of about 11 μm to about 50 μm ."

Thus, Applicant respectfully submits that amended independent claim 1, which incorporates subject matter from cancelled claim 6 (an object of the 35 U.S.C. §103(a) rejection), is allowable over Harding and Chalker, either alone or in combination. Claims 2-5, 7, 8, and 10-14 are also allowable by virtue of their respective dependencies on amended independent claim 1, and/or as well as for their respective features.

CONCLUSIONS

For at least the reasons referenced above, Applicant respectfully submits that the application in its current form is in condition for allowance.

The examiner is respectfully invited to contact the undersigned if there are any remaining issues that can be resolved by telephonic communication.

Prompt issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

_____/jet50352/_____
Jonathan E. Thomas
Reg. No. 50,352
Attorney for Applicant

General Electric Company
Global Patent Operation
187 Danbury Road
Wilton, CT 06811
T: (203) 761-1958
F: (203) 761-1924